

HOUSE No. 1754

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Reform the "School Zone" Law for Drug Offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin Swan	11th Hampden
Gloria L. Fox	7th Suffolk
Kay Khan	11th Middlesex
William N. Brownsberger	24th Middlesex
Byron Rushing	9th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REFORM THE "SCHOOL ZONE" LAW FOR DRUG OFFENSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 32J of Chapter 94C shall be amended by replacing the language, “within one thousand feet of the real property” with “within one hundred feet of the real property.”

SECTION 2. Section 32J of Chapter 94C shall be amended to include the following new paragraph:
“This section shall not apply to an offense occurring inside a private residence or other dwelling house within the zones described herein.”

SECTION 3. Notwithstanding any other provision of law to the contrary, no violation of an offense under Section 32J of Chapter 94C shall be punished by a mandatory minimum sentence.

SECTION 4. Notwithstanding any other provision of Chapter 94C, the court may impose a sentence that does not include a mandatory minimum term of imprisonment, including a term of imprisonment that is less than the minimum term currently specified. The court may instead impose sentence pursuant to Section 24 of Chapter 279.

SECTION 5. Section 32H of Chapter 94C shall be amended by deleting, “In accordance with the provisions of section eight A of chapter two hundred and seventy-nine such sentence shall begin from and after the expiration of the sentence for violation of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I.”

16 **SECTION 6.** Section 32H of Chapter 94C shall be amended by deleting, “The provisions of section 87
17 of chapter 276 shall not apply to any person, seventeen years of age or over, charged with a violation of
18 said sections.”

19 **SECTION 7.** Notwithstanding any provision of law to the contrary, a person serving a sentence for
20 violating any provision of Chapter 94C as of the effective date of this section shall be eligible to receive
21 deductions from his sentence for good conduct under Sections 129C and 129D of Chapter 127.

22 **SECTION 8.** Notwithstanding any provision of law to the contrary, a person serving a sentence for
23 violating any provision of Chapter 94 as of the effective date of this section shall be eligible to participate
24 in education, training, employment, or work release programs established pursuant to Sections 49, 49B,
25 49C, 86F and 86G of Chapter 127.

26 **SECTION 9.** Notwithstanding any other provision of law to the contrary, a person serving a sentence
27 for violating any provision of Chapter 94C as of the effective date of this section shall not be eligible for
28 parole until he shall have served two thirds of the minimum term of the sentence if the sentence is to a
29 state prison, or until he shall have served one half of the minimum term of the sentence if the sentence is
30 to a house of correction.